

STATE OF INDIANA ) IN THE LAKE CIRCUIT/ SUPERIOR COURT  
 ) SS:  
COUNTY OF LAKE ) SITTING IN \_\_\_\_\_, INDIANA

THOMAS DOBOSZ

Plaintiff,

vs.

QUAKER CHEMICAL CORPORATION

Defendant.

45D101504CT00 064

Cause No.:

**Filed in Clerk's Office**

APR 15 2015

*Michael G. Brown*  
CLERK LAKE CIRCUIT COURT

**COMPLAINT**

Comes now, Plaintiff, Thomas Dobosz, by his attorney, Ronald F. Layer of Layer, Tanzillo, Stassin & Babcock, P.C. and for his Complaint against Defendant, Quaker Chemical Corporation, states as follows:

**A. Preliminary Statement**

This is an action for equitable relief and damages for discrimination by the Defendant Quaker Chemical Corporation (Quaker) against Thomas Dobosz on account of age, a violation of Title VII of the Civil Rights Act of 1964. 42 U.S.C. §2000e, et seq. ("Title VII") and under the Fifth and Fourteenth Amendment due process and equal protection guarantees the Constitution of the United States through 42 U.S.C. §1983 and for violation of the Americans With Disabilities Act 42 U.S.C. §12101, et al.

**B. Jurisdiction and Venue**

That the operative facts of this case took place entirely in Lake County, Indiana. The Defendant Quaker employed the Plaintiff and the actions complained of, took place in Lake County Indiana. The Court has jurisdiction over this action pursuant to 42 U.S.C. §§2000e and 1983 Venue

lays in Lake County pursuant to Trial Rule 75(A)(1) and (4).

### **C. Parties**

Plaintiff, Thomas Dobosz, is an adult and was a resident of Dyer, Lake County, Indiana but presently resides in the State of Florida. At all times relevant to this action the Plaintiff was over 40 years of age and suffered a work related injury dated April 20, 2012 which resulted in surgery and some permanent impairment. That the Plaintiff made a work related compensation claim which was resolved with Defendant's workman's compensation insurance company, Liberty Mutual. The Defendant, Quaker is organized as a for profit corporation and does business in the State of Indiana. It was doing business with Mittal Steel, USA, located in Lake County, Indiana.

### **D. Grounds of Relief**

That Dobosz was hired by the Defendant in 2003 and worked the last several years as a site engineer for the Defendant also at Mittal Steel, USA in Lake County, Indiana. Dobosz was injured on the 20<sup>th</sup> day of April, 2012, and as stated ultimately had cervical surgery. His injury was work related and his workman's compensation claim was resolved by agreement with the Defendant's workman's compensation insurance company Liberty Mutual.

That the Plaintiff was released back to work with some restrictions which the Defendant refused to accommodate.

That further the Defendant was inconsistent in its treatment of the Plaintiff since prior to this injury the Plaintiff had a prior injury had a similar type restriction and the Plaintiff continued to work for the Defendant with said restriction. That the Plaintiff was fully capable of continuing to do his job and to function in his position. However, the Defendant terminated the Plaintiff on the basis that they could not accommodate his restrictions or his restrictions made it impossible for him to do his

job.

That at the time that this occurred, the Plaintiff had an assistant that was hired prior to the Plaintiff's termination who he was training who was much younger than the Plaintiff herein.

**E. Causes of Action**

By terminating the Plaintiff and refusing to accommodate him in his restrictions or by inconsistently applying their prior accommodation, the Defendant violated the Americans With Disabilities Act of the Federal Law.

That in addition, by terminating the Plaintiff and ostensibly replacing him with a younger person, after the Plaintiff herein trained said new employee, they violated the Plaintiff's rights and discriminated against him because of his age. Also in violation of Federal Law.

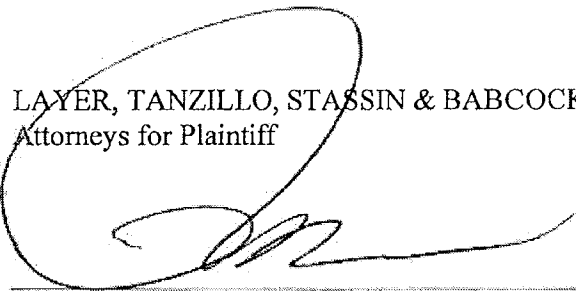
That the Defendants are liable for damages pursuant to law including back pay, front pay, mental anguish, loss of pension benefits, punitive damages and attorney fees.

**F. Prayer for Relief**

WHEREFORE, the Plaintiff prays for the following relief:

A declaratory judgment that the Defendant has discriminated against the Plaintiff on account of his age and violated the American's With Disabilities Act. For compensatory damages against the Defendant for back pay from the time of discharge, front pay in an amount sufficient to compensate Plaintiff for the immediate future impairment of his earning capacity. Economic losses by the acts of discrimination. Punitive damages and reasonable attorney fees and expenses, and all other just and proper relief in the premises.

LAYER, TANZILLO, STASSIN & BABCOCK, P.C.  
Attorneys for Plaintiff

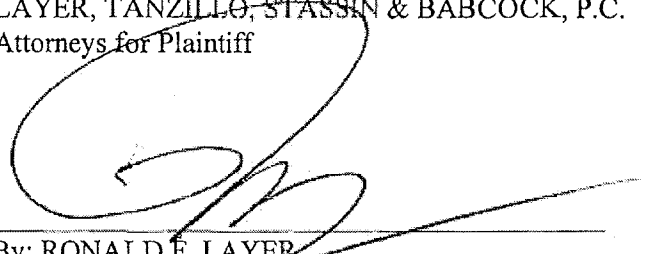


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**PLAINTIFF DEMANDS TRIAL BY JURY**

LAYER, TANZILLO, STASSIN & BABCOCK, P.C.  
Attorneys for Plaintiff

A large, stylized handwritten signature in black ink, likely belonging to Ronald F. Layer, is written over a horizontal line.

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